

CASE: H-32310A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Griffiths et al.

Confirmation Number: 6479

APPLICATION NO: 09/355,474

Art Unit: 1645

FILED: April 5, 2000

Examiner: J. Graser

FOR: **Renibacterium Salmoninarum Vaccine**

Assistant Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

We, the undersigned, are duly appointed officers of Novartis AG, located at Lichtstrasse 35, 4056 Basel, Switzerland, and have authority to sign on behalf of Novartis AG. Novartis Animal Vaccines Limited acquired all rights, title, and interest in the invention described and contained in the above referenced patent application when Novartis Animal Vaccines Limited purchased all the assets of Aqua Health (Europe) Limited in December, 2002. Novartis AG has an agreement with Novartis Animal Vaccines Limited under which all rights, title and interest in the above referenced patent application vest with Novartis AG.

Aqua Health (Europe) Limited obtained all rights, title, and interest in the invention described and contained in the above referenced patent application through an Assignment of the inventor, Steven Gareth Griffiths, on March 3, 2000, and the inventor, Kira Saloni, on February 29, 2000, this Assignment being recorded with the U.S. Patent and Trademark Office on April 5, 2000 at Reel/Frame 010725/0204.

Novartis AG hereby revokes all current Powers of Attorney and hereby appoints the attorneys and agents associated with Customer Number 001095 respectively and individually as Novartis AG's attorneys and agents, with full power for substitution and revocation, to prosecute this application and to transact all business with the U.S. Patent and Trademark Office connected therewith, and direct that all correspondence and communications be directed to the address associated with:

Customer Number 001095

which is currently:

Thomas Hoxie  
Novartis  
Corporate Intellectual Property  
One Health Plaza  
Building 430  
East Hanover, NJ 07936-1080

Novartis AG requests that the Examiner note the change in the Attorney Docket number for this patent application. Novartis AG kindly requests that the Examiner change the Attorney Docket from "MUR-8370" to "H-32310A" in all future correspondence.

Should the Examiner have any questions about this Revocation and Appointment of Power of Attorney, the Examiner is requested to contact David L. Marks, Registration No. 37,881, at 862-778-7922.

Respectfully submitted,

12/5/03  
Date

Signature  
Name: SHEILA BODMER

Title: OFFICER

Novartis AG

Address: Lichtstrasse 35, 4056 Basel,  
Switzerland

13/5/03  
Date

Signature  
Name: HEINZ MOSTOSI

Title: OFFICER

Novartis AG

Address: Lichtstrasse 35, 4056 Basel,  
Switzerland

# **Declaration and Power of Attorney For Patent Application**

## **English Language Declaration**

As a below named inventor, I hereby declare that:

**My residence, post office address and citizenship are as stated below next to my name.**

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled RENIBACTERIUM SALMONINARUM VACCINE, the specification of which is attached hereto unless the following box is checked:

was filed on 28 January 1998 as PCT International Application Number PCT/GB98/00256.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

## Priority Not Claimed

9701897.2

GB

30 January 1997

| (Number)

(Country)

(Day/Month/Year Filed)

1

| (Number)

(Country)

(Day/Month/Year Filed)

1

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
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(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Paul F. Prestia	Reg. No. 23,031	Lawrence E. Ashery	Reg. No. 34,515	Mark J. Marcelli	Reg. No. 36,593
Allan Ratner	Reg. No. 19,717	Christopher R. Lewis	Reg. No. 36,201	Joshua L. Cohen	Reg. No. 38,040
Andrew L. Ney	Reg. No. 20,300	Robert L. Andersen	Reg. No. 25,771	Christopher J. Dervishian	Reg. No. 42,480
Kenneth N. Nigon	Reg. No. 31,549	Daniel N. Calder	Reg. No. 27,424	Jack J. Jankovitz	Reg. No. 42,690
Kevin R. Casey	Reg. No. 32,117	Louis W. Beardall, Jr.	Reg. No. 40,506		
Benjamin E. Leace	Reg. No. 33,412	Jacques L. Elkowicz,	Reg. No. 41,738		
James C. Simmons	Reg. No. 24,842	Eric A. Dichter	Reg. No. 41,708		

Address all correspondence to: Allan Ratner

Ratner & Prestia, Suite 301, One Westlakes, Berwyn, P.O. Box 980, Valley Forge, PA 19482-0980

Address all telephone calls to: Allan Ratner at (610) 407-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Steven Gareth Griffiths

Inventor's signature S. Griffiths Date 3/3/00

Residence 367 Saunders Street, Fredericton, New Brunswick E3B 1N9, CANADA

Citizenship GB

Post Office Address 367 Saunders Street, Fredericton, New Brunswick E3B 1N9, CANADA

Full name of second joint inventor, if any (given name, family name) Kira Saloni

Second Inventor's signature K. Saloni Date February 27, 2002

Residence R.R. No. 2, Cornwall, Prince Edward Island C0A 1H0, CANADA

Citizenship CA

Post Office Address R.R. No. 2, Cornwall, Prince Edward Island C0A 1H0, CANADA

Additional inventors are being named on separately numbered sheets attached hereto.

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV335544805US

Express Mail Label Number

August 5, 2003

Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Griffiths et al.

Confirmation Number:

APPLICATION NO: Not Yet Assigned

Art Unit:

FILED: Herewith

Examiner:

FOR: Renibacterium Salmoninarum Vaccine

Assistant Commissioner for Patents  
Washington, D.C. 20231STATEMENT OF PUBLIC AVAILABILITY OF BIOLOGICAL MATERIAL

I, David L. Marks, Registration Number 37,881, am the duly appointed attorney of record for the above referenced patent application by virtue of a Revocation and Appointment of Power of Attorney that is being filed concurrently with this document.

I, hereby state, that the biological material in the above referenced patent application is *Arthrobacter* species strain RSXII has been deposited with American Type Culture Collection, 10801 University Boulevard, Manassas, VA 20109 on December 20, 1996 and assigned ATCC Designation Number 55921. American Type Culture Collection is an International Depository Authority under the provisions of the Budapest Treaty.

All restrictions upon public access to the deposit will be waived should a U.S. Patent be issued citing the deposited biological material. While the American Type Culture Collection acknowledges that the deposited biological material was viable, should the culture die, be destroyed, or unviable samples cannot be dispensed during the effective term of the deposit, the Applicants will replace the deposited biological material.

Attached is a copy of American Type Culture Collection's Receipt issued on January 2, 1997, acknowledging the deposit of this biological material and the viability of the biological material.

Respectfully submitted,

David L. Marks  
Attorney for Applicants  
Reg. No. 37,881

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7922  
Date: August 5, 2003



# American Type Culture Collection

11301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-4520 Telex: 303-768 ATCCR NYK • FAX: 301-416-4346

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Aqua Health Ltd.  
Attn: Kira Salomius  
West Royalty Industrial Park  
Charlottetown, PEI C1E 1B0 CANADA

Deposited on Behalf of: Aqua Health Ltd.

Identification Reference by Depositor: ATCC Designation

*Arthrobacter sp. RSXII* 55921

The deposit was accompanied by:  a scientific description  a proposed taxonomic description indicated above.

The deposit was received December 20, 1996 by this International Depository Authority and has been accepted.

#### AT YOUR REQUEST:

We will not inform you of requests for the strain.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 2, 1997. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Harley  
Barbara M. Harley, Administrator, Patent Depository

Date: January 2, 1997

AM  
TOTAL 0.00